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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAURA D. ZAHN,

Plaintiff - Appellant,

v.

CITY OF SAN DIEGO,

Defendant - Appellee.

No. 07-56753

D.C. No. CV-06-00092-TJW

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Thomas J. Whelan, District Judge, Presiding

Submitted March 18, 2009<sup>\*\*</sup>

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Laura D. Zahn appeals pro se from the district court's summary judgment for her former employer, the City of San Diego ("the City"), in her action alleging employment discrimination and retaliation. We have jurisdiction pursuant to 28

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review de novo, *Surrell v. Cal. Water Serv. Co.*, 518 F.3d 1097, 1103 (9th Cir. 2008), and we affirm.

The district court properly granted summary judgment on Zahn's discrimination claims because she failed to raise a triable issue as to whether the City's reason for firing her was pretext for discrimination on account of sex or age. *See id.* at 1105-07 (applying burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and affirming summary judgment for employer because plaintiff failed to raise triable issue that employment decision was pretext for discrimination).

The district court also properly granted summary judgment on Zahn's retaliation claim because Zahn failed to demonstrate that she engaged in protected activity. *See id.* at 1108 ("To establish a prima facie case of retaliation, a plaintiff must prove (1) she engaged in a protected activity; (2) she suffered an adverse employment action; and (3) there was a causal connection between the two.").

Zahn's remaining contentions are unpersuasive.

**AFFIRMED.**